

**A RESOLUTION BY  
FINANCE EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR DESIGNEE TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ABB, INC., FOR FC-6004007814 FOR THE OPERATION, MAINTENANCE AND TRAINING SERVICES FOR THE HEMPHILL ELECTRIC PUMPING STATION ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-SIX THOUSAND DOLLARS (\$186,000.00). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J21 574001 Q65101 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND).**

**WHEREAS**, the City of Atlanta (the "City") desires to enter into an appropriate contractual Agreement with ABB, Inc., for the operation, maintenance and training services for the Hemphill Electric Pump Station; and

**WHEREAS**, the Department of Watershed Management was in need of and did purchase a new electrical pump station for which ABB, Inc. is the designer and manufacturer of the control system and the proprietor of the hardware and software; and

**WHEREAS**, the City did solicit bids on an emergency basis for the Operation, Maintenance, and Training Services for the Hemphill Pumping Station and a sole bid was submitted by ABB, Inc.; and

**WHEREAS**, ABB, Inc. was recommended for award of the emergency contract for operation, maintenance and training services for a period of one year, ending September 23, 2004; and

**WHEREAS**, ABB, Inc. continues to have the expertise and knowledge of the operation, maintenance, training and services for the Hemphill Electric Pump Station and the Department of Watershed Management wishes to retain their services; and

**WHEREAS**, it has been determined by the Department of Watershed Management that due to the proprietary nature of the software and hardware, modifications of the control system during operations can only be performed by ABB, Inc. or the warranties and work guarantees will be voided; and

**WHEREAS**, it has been determined by the Department of Watershed Management that although during a good faith review of available sources that although other companies can perform the services, it is cost prohibitive; and

**WHEREAS**, it has been determined by the Chief Procurement Officer that ABB, Inc. is the sole source to handle operation, maintenance and training services for this project per the Procurement Code Section 2-1191 for Sole Source Procurement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the Mayor be and is hereby authorized to enter into an agreement No. FC-6004007814 with ABB Inc. for a period of one (1) year with a one (1) year renewal option to continue to perform the operation, maintenance and training services for the Hemphill Electric Pump Station, in an amount not to exceed One Hundred Eight-Six Thousand Dollars (\$186,000.00).

**BE IT FURTHER RESOLVED**, that the Chief Procurement Officer be and is hereby directed to prepare an appropriate agreement for execution by the Mayor to be approved by the City Attorney as to form.

**BE IT FURTHER RESOLVED**, that this agreement shall not become binding on the City, and the City shall incur no liability upon same until such agreement has been executed by the Mayor and delivered to the contracting party.

**BE IT FINALLY RESOLVED**, that all services for said contracted work shall be charged to and paid from fund account and center numbers: 2J21 574001Q65101 (Water and Wastewater Renewal and Extension Fund).

FC-6004007814, Operation, Maintenance and Training Services for the  
Hemphill Electric Pumping Station  
July 22, 2004  
Page 2

If you have any questions or need additional assistance, please contact Ms. Cynthia Zachery, Contracting Officer, at (404) 330-6057.

ALS/cez

cc: Ms. Sheila Pierce  
Ms. Sharon Owen  
Mr. Lee Hunt

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Chief Procurement Officer Signature: \_\_\_\_\_

*Adam L. Smith*  
Adam L. Smith

Originating Department: Department of Watershed  
Management

Contact Person: Cynthia E. Zachery  
Ext. 6057

Committee(s) of Purview: Finance Executive Committee

Council Deadline: July 12, 2004

Committee Meeting Dates(s): July 27-28, 2004

Full Council Date: August 16, 2004

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR OR DESIGNEE TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ABB, INC., FOR FC-6004007814 FOR THE OPERATION, MAINTENANCE AND TRAINING SERVICES FOR THE HEMPHILL ELECTRIC PUMPING STATION ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-SIX THOUSAND DOLLARS (\$186,000.00). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J21 574001Q65101 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND).

**BACKGROUND**

To provide services to operate and maintain the new electric pump station at the Hemphill Pump Station and to train the staff to operate and maintain the Hemphill Facility for the Bureau of Water in the Department of Watershed Management.

**FINANCIAL IMPACT (if any)** \$186,000.00

***Mayor's Staff Only***

Received by Mayor's Office: \_\_\_\_\_

(date)

Reviewed by: \_\_\_\_\_

(initials)

(date)

Submitted to Council: \_\_\_\_\_

(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended

☐ Substitute ☐ Referred ☐ Other

**DEPARTMENT OF PROCUREMENT  
LEGISLATION SUMMARY**

**CAPTION**

**A RESOLUTION BY  
FINANCE EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR OR DESIGNEE TO ENTER INTO AN APPROPRIATE CONTRACTUAL AGREEMENT WITH ABB, INC., FOR FC-6004007814 FOR THE OPERATION, MAINTENANCE AND TRAINING SERVICES FOR THE HEMPHILL ELECTRIC PUMPING STATION ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED EIGHTY-SIX THOUSAND DOLLARS (\$186,000.00). ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 2J21 574001Q6514001 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND).**

**REQUESTING  
DEPARTMENT:**

Department of Watershed Management

**CONTRACT TYPE:**

Sole Source for Services

**AWARDEE:**

ABB Inc.

**SOURCE  
SELECTION:**

Sole Source due to proprietary software and hardware in the electric pump station and the potential violation of warranties in the system during operations and maintenance.

**BACKGROUND:**

The Department of Watershed Management was in need and did purchase a new electrical pump station, in which ABB, Inc., has proprietary licenses of the hardware and software and accepts and acknowledges all warranties. An emergency solicitation for operation, maintenance and training services was awarded to ABB, Inc. Modifications required to the hardware or software during normal operations of the control system can only be accomplished through ABB Inc. without additional costs to the City of Atlanta. The current emergency solicitation expires September 23, 2004.



## CITY OF ATLANTA

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55 TRINITY AVENUE, SW  
ATLANTA, GA 30303

(404) 330-6204 Fax: (404) 658-7705  
Internet Home Page: [www.atlantaga.gov](http://www.atlantaga.gov)

Shirley Franklin  
Mayor

DEPARTMENT OF PROCUREMENT  
Adam L. Smith, Esq.  
Chief Procurement Officer

### MEMORANDUM

TO: Robert Hunter, Commissioner  
Department of Watershed Management

FROM: Adam L. Smith *als*

RE: FC-6004007814, Operation, Maintenance and Training Services for the  
Hemphill Electric Pumping Station

DATE: July 22, 2004

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I am in receipt of your Sole Source Request for operation, maintenance and training of the Hemphill Electric Pumping Station.

As stated in your request, you have conducted a good-faith review of available sources for these services and that these services are required to maintain continued operation. In addition, you have stated that although other companies may be able to perform these services, due to the proprietary nature of the hardware and software, any modifications or de-bugging of the control system by others, could void the warranties and work guarantees. In addition, to obtain such warranties could be cost prohibitive and not in the best interest of the City of Atlanta. The entire water supply to downtown Atlanta is dependent on the Hemphill Pump Station facilities. Should the electric pump malfunction, all of downtown Atlanta could be at significant risk.

Because of the good-faith review and the potential public risk that there could be no water service or any ability to provide proper water pressure needed for fire service in the business corridor, I have determined that your request meets the criteria set forth in § 2-1191, Sole Source Procurement, of the Atlanta City Code of Ordinances. This service will help to ensure a "fail safe" nature of our water supply and distribution system. The Department of Procurement ("DOP") will permit the Sole Source for the requested services. Given the urgency of your request and the need for this service, DOP will give this project top priority.

CITY OF ATLANTA  
DEPT. OF PROCUREMENT

2004 JUL 22 AM 8:38



SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE, SUITE 5400, SOUTH BLDG  
ATLANTA, GA 30335-0310  
OFFICE (404) 330-6081 FAX: (404) 658-7194

DEPARTMENT OF WATERSHED  
MANAGEMENT  
ROBERT J. HUNTER  
COMMISSIONER

**July 21, 2004**

**MEMORANDUM**

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert Hunter, Commissioner  
Department of Watershed Management *Robert J. Hunter*

**PROJECT:** C-496 Emergency Request for Repair for the Electric Pump Station

**REF:** SOLE SOURCE

In accordance with Section 2-1191 of the City's Procurement Code which addresses Sole Source Procurements, we are requesting a Sole Source Contract be awarded to ABB Control Systems for 12 months with an additional up to 12 month renewal option. ABB was the sole respondent to a City solicitation in 2003 for this service. Their current contract (C-496) expires September 23, 2004.

The work under this contract includes providing hardware and software for the Hemphill electric pump station control system and training city employees to run the system. ABB is the designer and manufacturer of the control system and software therefore the hardware and software are proprietary. Modifications required to the hardware, software or de-bugging of the control system during operation can only be performed by ABB or the warranties and work guarantees will be voided. Further, ABB is the only company that can provide system authorized experienced operators.

After conducting a good-faith review of available sources, we learned that although companies that can perform the services, due to the proprietary nature of the hardware & software it is cost prohibitive. Most sources we contacted stated that they would either replace the existing system with theirs or hire ABB as a subcontractor to solve any system problems or to service the equipment. Further, the ABB warranty will be voided if other vendors are used to work on the ABB equipment. Sources contacted were Trasdyn & Controls, Industrial Control Systems, Inc., the Southern Company and Global Control Systems.

During the course of this contract, the Drinking Water Bureau within the Department of Watershed Management has been pleased with the quality of services provided by ABB under the current agreement for the price paid.

The Hemphill Water Treatment Plant provides water to all of downtown Atlanta. This request is made to ensure there is no disruption to the water supply and pressure in the downtown Atlanta area.

Please advise if additional information is required.

cc: Sheila Pierce, DWM  
Cathy Martin, DOP  
Keith Brooks, DOP  
Chris New, DWM  
Sharon Owen, DWM  
File